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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/774,620

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Tomoshi Hirayama

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10/24/2006

C. IRVIN MCCLELLAND

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,620

Applicant(s)

HIRAYAMA, TOMOSHI

Examiner

Douglas B. Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 195-203 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 195-203 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 195-203 are currently pending. The drawing objection and the rejection of the claims based on 35 USC section 112 2nd paragraph has been withdrawn in view of the applicant's arguments however the newly amended claims are not believed patentable over the prior art for the reasons presented below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 195-201 and 203 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,010,492 to Bassett et al. in view of U.S. Patent Number 6,181,364 to Ford.

4. As to claim 195, Bassett teaches a data-provisioning system comprising: a first data-transmitting section for transmitting a continuous stream of content data that consists of multimedia content groups, each composed of program data and auxiliary data items (col. 13, line 6-col. 14, line 4); an edit control section for performing an editing operation on the attributes of each program data and auxiliary data items and the profile data of a user apparatus, thereby automatically assembling new content data (col. 13, line 6-col. 14, line 4); and a second data-transmitting section for selecting the auxiliary data items to be inserted into the program data in

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accordance with the new content data assembled by the edit control section, thereby to transmit a continuous stream of adapted content data that consists of multimedia content groups, each including the program data and the auxiliary data items (col. 13, line 6-col. 14, line 4); however Bassett does not explicitly teach attributes including a conflict attribute.

Ford teaches a data-providing system featuring an edit-control section that includes a conflict attribute identifying associated content data which is precluded from assembly with predetermined other content data for providing new content data (col. 5, line 42-col. 6, line 4).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Bassett regarding a server for distributing content with the teaching of Ford regarding conflicting attributes because certain types of data may not be desirable to be presented to certain types of users (Ford, col. 5, lines 8-25).

5. As to claim 196, Bassett teaches a data server apparatus for changing the order of the items of the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, and for outputting the items of content data in the order changed, thereby to transmit the content data (col. 13, line 6-col. 14, line 4).

6. As to claim 197, Bassett teaches a data server apparatus for skipping a certain auxiliary data items contained in the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, thereby to transmit the content data (col. 13, line 6-col. 14, line 4).

7. As to claim 198, Bassett teaches a data server apparatus for transmitting additional auxiliary data items, together with the content data which has been assembled by the edit control

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section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items (col. 13, line 6-col. 14, line 4).

8. As to claim 199, Bassett teaches the data server apparatus acquires the additional auxiliary data items from an external system, by the use of the edit control section (col. 13, line 6-col. 14, line 4).

9. As to claim 200, Bassett teaches the data server apparatus incorporates means for generating the additional auxiliary data items (col. 13, line 6-col. 14, line 4).

10. As to claim 201, Bassett teaches a data terminal apparatus for changing the order of the items of the content data which has been assembled by the edit control section and which includes multimedia content groups, each including the program data and the auxiliary data items, and for transmitting the items of content data in the order changed (col. 13, line 6-col. 14, line 4).

11. As to claim 203, Ford teaches the system of claim 195, wherein conflict attribute identifies a list of conflicting content provider entities (col. 5, line 42-col. 6, line 4).

12. Claims 195-201 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,010,492 to Bassett et al. in view of U.S. Patent Number 6,181,364 to Ford in further view of U.S. Patent Number 6,898,706 Venkatesan et al..

13. As to claim 202, the Bassett- Ford combination teaches the data-providing system of claim 195, however the Bassett-Ford combination does not explicitly teach the auxiliary data items including, at least, a validity term and conditions relative to the assignment of rights for editing attributes of each auxiliary data item.

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Venkatesan teaches auxiliary data items including, at least, a validity term and conditions relative to the assignment of rights for editing attributes of each auxiliary data item (col. 28, lines 10-59).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Bassett-Ford combination regarding a data-providing system with the teachings of Venkatesan regarding validity terms and conditions because validity terms and conditions preserve control over media (Venkatesan, col. 2, line 43-col. 3, line 3).

Response to Arguments

14. Applicant's arguments with respect to claim 195 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

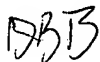
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Douglas Blair



ANDREW CALDWELL
SENIOR PATENT EXAMINER